IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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OLAF SÖÖT DESIGN, LLC,

Plaintiff,

Case No. 1:17-cv-02399

v.

JURY TRIAL DEMANDED

ELECTRONIC THEATRE CONTROLS, INC.

Defendant.
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Olaf Sööt Design, LLC ("Plaintiff OSD") for its Complaint against Electronic Theatre Controls, Inc. ("Defendant" or "ETC"), hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement related to United States Patent No. 6,520,485 ("the '485 patent" or "patent-in-suit") arising under the Patent Laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. Plaintiff OSD is a limited liability company incorporated under the laws of Connecticut having a principal place of business at 9 Tomahawk Lane, Greenwich, Connecticut 06830.

3. Defendant ETC is a corporation organized and existing under the laws of Wisconsin, having a principal place of business at 3031 Pleasant View Rd, Middletown, WI 53562-0979 and, on information and belief, a place of business at 630 9th Avenue, Suite 1001, New York, NY 10036. On information and belief, Defendant ETC has operated a facility at

7200 Rawson Rd, Victor, New York 14564. Defendant ETC registered to do business in New York on January 12, 1990 and is currently registered as a Foreign Business Corporation in New York with active status and a designated agent for service of process at 99 Washington Avenue, Suite 1008, Albany, NY 12260.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, Defendant ETC has been in the business of, *inter alia*, manufacturing, using, marketing, offering to sell, selling, and/or distributing winches, including winches accused of infringement, in New York and throughout the United States.

6. This Court has personal jurisdiction over Defendant in that it has, directly or through intermediaries, committed acts within New York giving rise to this action; that it has established minimum contacts with New York such that the exercise of jurisdiction would not offend traditional notions of fair play and justice; that it has registered to do business in New York; and/or because of, *inter alia*, Defendant's continuous and systematic manufacturing, using, marketing, sales, and/or distribution activities in this state.

7. Venue is proper in this district under 28 U.S.C. § 1391(b), (c) and/or (d) and 28 U.S.C. § 1400(b).

PATENT-IN-SUIT

8. On February 18, 2003, United States Patent No. 6,520,485 ("the '485 patent"), entitled "Winch System for Raising and Lowering Theater Scenery," was duly and legally issued, naming Olaf Sööt as inventor.

9. Plaintiff OSD is the sole owner of the entire right, title and interest in and to the ’485 patent, including the right to sue and recover for any and all infringement thereof.

DEFENDANT’S INFRINGING PRODUCTS

10. Defendant has engaged in the manufacture, use, offer for sale, sale, promotion, and/or demonstration of winches including manufacture, marketing and/or sales of winches in New York.

11. The winches designated as the Vortek® Classic Hoists that have been made, offered for sale, and sold by Defendant infringe one or more of the ’485 patent claims pursuant to 35 U.S.C. § 271.

COUNT I: PATENT INFRINGEMENT

12. Plaintiff OSD incorporates by reference each and every allegation of paragraphs 1-11 of this Complaint, as though set forth here in their entirety.

13. Defendant has directly infringed one or more claims of the ’485 patent by making, using, offering to sell, selling, importing, promoting, and/or demonstrating winches.

14. Defendant is liable for contributory infringement of one or more claims of the ’485 patent by having sold or offered to sell a material component of the invention embodied in one or more claims of the ’485 patent that is especially made or adapted for use in infringing one or more claims of the ’485 patent and is not suitable for substantial non-infringing use.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed, directly, and/or indirectly by way of contributing to the infringement of, the ’485 patent;

2. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, or contributing to the infringement of the ’485 patent;

3. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant’s infringement of the ’485 patent as provided under 35 U.S.C. § 284;

4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys’ fees; and

5. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

Dated: April 3, 2017 s/James M. Bollinger

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